



ILLINOIS COMMERCE COMMISSION

July 27, 2005

County of Ogle and Flagg Township Road District,
Petitioners,

Vs.

Union Pacific Railroad Company and the Illinois Department of Transportation,
Respondents.

T05-0038

Request for Payment from the Grade Crossing Protection Fund for Voluntary
Closure of the Grange Road highway-rail crossing (AAR/DOT #175 127X) of
the Union Pacific Railroad Company located in Ogle County, Illinois, by
Vacation of the Grange Road Right-of-Way Adjacent to the Crossing.

Mr. Curtis D. Cook
Ogle County Highway Engineer
1989 IL. Route 2, South
Oregon, IL 61061

Dear Mr. Cook:

Receipt is acknowledged of your correspondence regarding payment from the Grade Crossing
Protection Fund for Voluntary Closure of Grange Road filed July 21, 2005.

**All future correspondence/pleadings should be filed with an original and two (2) copies
and addressed to: Mr. Dave Lazarides, Acting Director of Processing, Illinois Commerce
Commission, 527 East Capitol Avenue, Springfield, IL 62701 or you may file the original
electronically through E-docket if you have an account. To apply for an account, please log on to
www.icc.state.il.us and apply for an E-docket account.**

Processing and Information Section

KI

Cc: Mr. Victor A. Modeer, IDOT
Ms. Ellen Schanzle-Haskins, IDOT
Mr. Dave McKernan, UP
Mr. Mack Shumate, Jr., UP
CT Corporation System, UP
Mr. Jerry G. Seebach, Flagg
Township Highway Commissioner

ORIGINAL

Ogle County Highway Department

Curtis D. Cook, P.E.
County Engineer

1989 IL Rt. 2, South
Oregon, IL 61061

Phone 815-732-2851
Fax 815-732-9094

July 13, 2005

RECEIVED
JUL 21 2005

Illinois Commerce Commission
RAIL SAFETY SECTION

Mr. Michael E. Stead
Rail Safety Program Administrator
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62794-9280

T05-0038

Re: County of Ogle and Flagg Township Road District v. Union Pacific Railroad Company

Dear Mr. Stead:

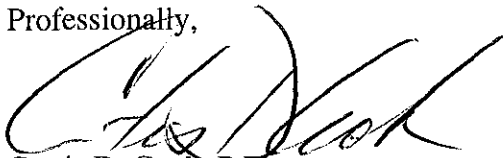
The Flagg Township Road District, Ogle County, IL is hereby applying for the "Closed Crossing by Roadway Vacation Payment". The Grange Road highway-rail crossing of the Union Pacific's track was closed on November 1, 2004. Flagg Township Road District requests that the Commission approve a payment of \$15,000 from the Grade Crossing Protection Fund for this action.

Enclosed is a copy of the documentation completing the vacation of the Grange Road right-of-way, South of the highway-rail crossing with the Union Pacific's tracks. The roadway was vacated on October 19, 2004. The railroad removed the crossing surface and warning devices and permanent barricades were installed on November 1, 2004.

The roadway was vacated following the execution of an agreement with the Union Pacific that called for the voluntary closure and vacation of Grange Road at the Union Pacific tracks. This crossing closure was a part of the work being completed under Illinois Commerce Commission Order #T03-0068, dated December 3, 2003. A copy of the agreement between Flagg Township, Ogle County and the Union Pacific Railroad is Exhibit E to that Illinois Commerce Commission Order. However, the Flagg Township Road District has never received reimbursement under the "Closed Crossing by Roadway Vacation Payment" program for this closure.

I would like to thank you in advance for your assistance with this matter. Should you have any questions or need additional information, do not hesitate to contact me.

Professionally,



Curtis D. Cook, P.E.
County Engineer, Ogle County

Enclosures

cc: Mike Payette - Union Pacific Railroad
Jerry Seebach - Flagg Township

DOCKETED

STATE OF ILLINOIS
COUNTY OF OGLE

TO THE HONORABLE BOARD MEMBERS OF OGLE COUNTY,

Petition for Vacation

Now comes Jerry Seebach, Road Commission of Flagg Township, Ogle County, Illinois and states as follows to-wit:

1. That Jerry Seebach is the currently serving Road commissioner of Flagg Township, Ogle County, Illinois.

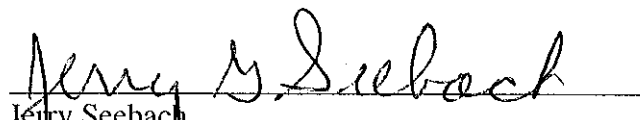
2. That said Road Commissioner, under the Illinois compiled Statutes Chapter 605, Paragraph 5/6-303, may file a certificate praying for the vacation of roads. The road being described as follows to-wit:

See attached description.

3. That by vacating said right-of-way as herein before described, the public is relieved of any burden or responsibility of maintaining said right-of-way.

4. That said portion of Grange Road being in the unincorporated Township of Flagg, Ogle County, Illinois, and therefore pursuant to the Illinois Compiled Statutes 1194, Chapter 55, Paragraph 5/5-1036, the County Board has the power and right to vacate said road in the unincorporated area of the County if in their judgment they believe that said road serves no useful public interest.

5. The vacation is located in the Township of Flagg and is hereby approved by the Flagg Township Road Commissioner, Jerry Seebach this 14 day of October, 2004.


Jerry Seebach,
Flagg Township Road Commissioner

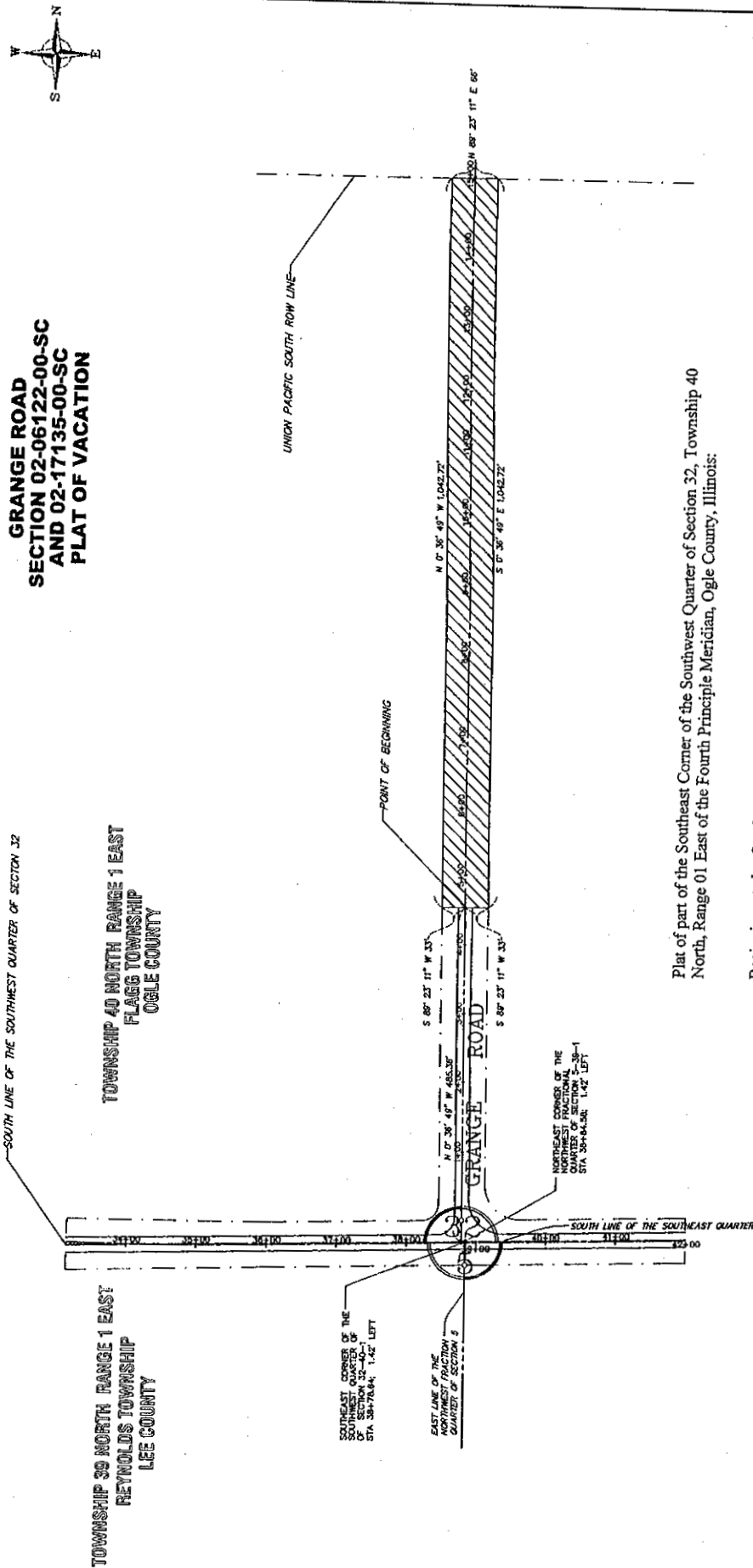
THEREFORE, the petitioner prays that the County Board of Ogle County will pass a resolution or order authorizing and ordering the vacation of those parts of the aforesaid right-of-way in the Township of Flagg, Ogle County, Illinois.

Described as follows:

Plat of part of the Southeast Corner of the Southwest Quarter of Section 32, Township 40 North, Range 01 East of the Fourth Principle Meridian, Ogle County, Illinois:

Beginning at the Southeast Corner of the Southwest Quarter of Section 32, said point being on the center line of a township road designated TR 320 (Grange Road): thence Northerly on the West Line of said Southwest Quarter, said line having a bearing (bearing assumed for description purposes only) of North 0 degrees 36 minutes 49 Seconds West, a distance of 485.38 feet, to the Point of Beginning of the herein described parcel of land; thence South 89 degrees 23 minutes 11 seconds West, a distance of 33 feet, thence North 0 degrees 36 minutes 29 seconds West, a distance of 1,042.72 feet; then North 89 degrees 23 minutes 11 seconds East, a distance of 66 feet; thence South 0 degrees 36 minutes 49 seconds East, a distance of 1,042.72 feet, thence South 89 degrees 23 minutes 11 seconds West a distance of 33 feet to said Point of Beginning, containing 1.58 acres, more or less.







See attached map.



Plat of part of the Southeast Corner of the Southwest Quarter of Section 32, Township 40 North, Range 01 East of the Fourth Principle Meridian, Ogle County, Illinois:

Beginning at the Southeast Corner of the Southwest Quarter of Section 32, said point being on the center line of a township road designated TR 320 (Grange Road); thence Northerly on the West Line of said Southwest Quarter, said line having a bearing (bearing assumed for description purposes only) of North 0 degrees 36 minutes 49 Seconds West, a distance of 485.38 feet, to the Point of Beginning of the herein described parcel of land; thence South 89 degrees 23 minutes 11 seconds West, a distance of 33 feet, thence North 0 degrees 36 minutes 23 minutes 11 seconds West, a distance of 33 feet, then North 89 degrees 23 minutes 11 seconds East, a distance of 1,042.72 feet; thence South 89 degrees 36 minutes 49 seconds East, a distance of 66 feet; thence South 89 degrees 23 minutes 11 seconds West, a distance of 1,042.72 feet, thence South 89 degrees 23 minutes 11 seconds East, a distance of 33 feet to said Point of Beginning, containing 1.58 acres, more or less.

LEGEND

	SECTION LINE
	EDGE OF PAVEMENT
	CENTRALINE
	ROW LINE
	EXISTING RIGHT-OF-WAY
	AREA TO BE VACATED

DATE		SCALE		SHEET NO. OF	
3/2/04		1" = 100'		10 OF 10	
<p>OGLE COUNTY HIGHWAY DEPARTMENT ROUTE 1 BOX 2 SOUTH DUNDAS, ILL. 62526 (618)-733-2851 FAX: (618)-733-0064</p>					
<p>GRANDE ROAD VACATION</p>					


Flagg Road District
Public Hearing
Grange Road Vacation

copy

October 14, 2004

1. Public Hearing called to order at 10:00 AM by Commissioner Jerry Seebach for the Vacation of a portion of Grange Road in the unincorporated Township of Fagg. This hearing was held at the office of the County Engineer, Ogle County Highway Department, 1989 IL Rt. 2, South, Oregon, IL.
2. Commissioner Seebach asked to hear from all those in opposition to the road vacation. There were no objectors present. No objections had been received.
3. Commissioner Seebach asked to hear from those in favor of the street vacation. The Union Pacific Railroad has requested the vacation of this segment of Grange Road. It is in conjunction with the highway improvements under way to support the Global III Intermodal Facility.
4. Having heard all interested parties, and in accordance with the authority granted him under Illinois Compiled Statutes 2000, Chapter 605, Article 5, Paragraph 6-303, the Flagg Road Commissioner hereby this 14th day of October, 2004 finds in favor of the vacation of a portion of Grange Road in the unincorporated Township of Flagg, see attached map.


Highway Commissioner


County Engineer

1350
DUE
④
STATE OF ILLINOIS
COUNTY OF OGLE

0412413 10/25/2004 03:26P 1 of 4 TG
Rebecca Huntley, Clerk/Recorder, Ogle Illinois

RESOLUTION

COPY

Whereas, Jerry Seebach, Road Commissioner of Flagg Township, has petitioned the County Board of Ogle County, Illinois under the Illinois Compiled Statutes Chapter 605, Paragraph 5/6-303, to vacate the following:

Described as follows:

Plat of part of the Southeast Corner of the Southwest Quarter of Section 32, Township 40 North, Range 01 East of the Fourth Principle Meridian, Ogle County, Illinois:

Beginning at the Southeast Corner of the Southwest Quarter of Section 32, said point being on the center line of a township road designated TR 320 (Grange Road); thence Northerly on the West Line of said Southwest Quarter, said line having a bearing (bearing assumed for description purposes only) of North 0 degrees 36 minutes 49 Seconds West, a distance of 485.38 feet, to the Point of Beginning of the herein described parcel of land; thence South 89 degrees 23 minutes 11 seconds West, a distance of 33 feet, thence North 0 degrees 36 minutes 29 seconds West, a distance of 1,042.72 feet; then North 89 degrees 23 minutes 11 seconds East, a distance of 66 feet; thence South 0 degrees 36 minutes 49 seconds East, a distance of 1,042.72 feet, thence South 89 degrees 23 minutes 11 seconds West a distance of 33 feet to said Point of Beginning, containing 1.58 acres, more or less.

See attached map.

Whereas, subsequent to a public hearing on this vacation by the Flagg Township Road Commissioner to hear from all interested parties, the Flagg Township Road Commissioner finds that vacation of the above mentioned roadway is in the public and economic interest of Flagg Township.

And, whereas said County Board of Ogle County, have now examined said petition and have been fully advised in the premises and finding that they have jurisdiction in the matter concerned in said Certificate of Vacation aforesaid find as follows:

1. That Jerry Seebach is the currently serving Road Commissioner of Flagg Township, Ogle County, Illinois.
2. That said Road Commissioner, under the Illinois Compiled Statutes Chapter 605, Paragraph 5/6-303, may file a certificate praying for the vacation of roads.

3. That by vacating said road, as herein before described, that the public is relieved of any burden and responsibility of maintaining said road.

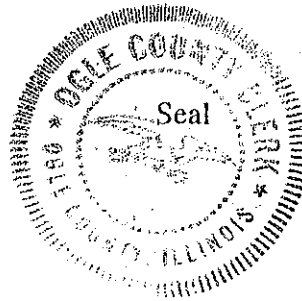
4. That said portion of Grange Road being in an unincorporated area of Ogle County, Illinois, and therefore pursuant to the Illinois Compiled Statutes 1194, Chapter 55, Paragraph 5/5-1036, the County Board has the power and right to vacate said road if in their judgment they believe that said road serves no useful public interest.

Be it therefore resolved by the County Board of Ogle County, Illinois that the aforesaid portion of Grange Road in the Township of Flagg is hereby vacated, and further that a copy of this order and its attachment be spread upon the records of this County Board.

I, Rebecca Huntley, County Clerk in and for said County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the County Board of Ogle County, at its regular meeting held in Oregon on October 19, 2004.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County at my office in Oregon, in said County, this 19th day of October A.D. 2004.

Rebecca Huntley
County Clerk



Prepared by

Ogle County Highway Department
1989 Illinois Route 2, South
Oregon, IL 61061

Return to:

Ogle County Clerk - Laura

